



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2209004

Applicant Name: Trinh Nguyen

Address of Proposal: 6329 16th Av SW

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of four single family residences within an environmentally critical area. Proposed lot sizes are 5,237 sq. ft. each.

The following approvals are required:

Short Subdivision - to divide one parcel of land into four parcels.
(Seattle Municipal Code Chapter 23.24)

SEPA – Environmental Determination – SMC Chapter 25.05

*Note: The original application included an Environmentally Critical Areas Conditional Use: – To recover development credit in a designated ECA, SMC Chapter 25.09. However, the Conditional Use is not required because the site qualifies for a steep slope limited exemption.

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

Site and Vicinity

The project site is located at 6329 16th Avenue SW. It is approximately 20,976 square foot rectangular shaped lot. It is zoned Single Family residential with 5000 square foot minimum lot size. The site has approximately 186 lineal feet of frontage on 16th Avenue South, which is a two-lane paved street with curbs, sidewalks and parking for vehicles on both sides of the street. The proposal site is currently undeveloped. The topography is characterized by a steep slope along the eastern boundary that is greater than 40 percent but less than 20 feet in height. There is an existing rockery on the slope which is the result of past road construction.

The site is vegetated with grass, shrubs, and trees. The trees consist of mainly small black cottonwoods near 16th Avenue SW and red alder spread throughout. No exceptional trees were identified on site. Vehicular access for ingress and egress will be either off of 16th Avenue SW or by private driveway access from 17th Avenue SW or SW Graham Street. There are single family residences located along the northern, southern, and western borders of the site. South Seattle Community College is located directly across 16th Avenue SW, to the east of the property. The neighborhood is predominately single family residential composed of lots of varying sizes developed.

Proposal

The proposal is to establish use for future construction of four single family residences within an environmentally critical area. The project includes the subdivision of one parcel into four lots, each 5,237 Square feet. It is zoned Single Family residential with 5000 square foot minimum lot size.

The applicant has applied for an administrative conditional use permit. However, based on the geotechnical report and site conditions DCLU is granting a steep slope limited exemption to the project which eliminates the need for an administrative conditional use permit.

Public Comments

The notice for the proposed project was published on June 5, 2003. The comment period ended on June 18, 2003, and no comments were received.

Environmentally Critical Area Regulations:

Seattle Municipal Code (SMC) Sections 25.09.060 establish standards that apply to all development within designated Environmentally Critical Areas, which includes submittal requirements for verifying the location of all such areas. SMC Section 25.09.180 provides specific standards for development on steep slopes and steep slopes buffers on existing lots, including the general requirement that development shall be avoided in steep slope areas whenever possible. If avoidance of development in steep slope areas is not practicable, then a standard applies limits grading, developmental activity, and other land disturbing activity to a

maximum of 30% of the area measured as steep slopes of 40% or greater. General requirements and standards described in Section 25.09.060 include the recording of conditions, as well as specific construction methods and procedures.

SMC Section 25.09.180 D4 authorizes DCLU to grant a limited exemption for steep slopes less than 20 feet in height that are not part of a larger steep slope system, and which have been created through previous legal grading activities.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Design, Construction and Land Use (DCLU); review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light; and, review by the Land Use Planner.

1. Conformance to the applicable Land Use Code provisions;

The lots created by the proposed short subdivision will conform to all development standards of the SF 5000 zone. Parcels A through Parcel D meet the required minimum lot area of the SF 5000 zone. The lot configurations provide adequate buildable area to meet applicable, yards, lot coverage requirements and other land use code development standards. Any new development must conform to land use code requirements at the time of application.

2. Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;

Each of the proposed parcels will have adequate access for vehicles, utilities, and fire protection through either via frontage on 16th Avenue SW or by extending existing private driveway access from 17th Avenue SW or SW Graham Street. The Seattle Fire Department has reviewed and approved this proposal for adequacy of emergency vehicle access. All private utilities are available in this area. Seattle City Light provides electrical service to the subject property. This short plat provides for adequate access for vehicles, utilities, and fire protection.

3. Adequacy of drainage, water supply, and sanitary sewage disposal;

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extensions.

There is a 12-inch public sanitary sewer (PSS) located in 16th Avenue SW.

There is a 12-inch public storm drain (PSD) located on the near side of 16th Avenue SW. This PSD discharges to a Designated Receiving Water. Stormwater plan review requirements will be made at the time of building permit application in accordance with any applicable stormwater

ordinances in effect at the time. If the project is greater than 5,000 square feet of new or replaced impervious surface, a comprehensive drainage control plan, prepared in accordance with SMC 22.805.015D and 22.802.020 may be required.

Seattle Public Utilities issued a Water Availability Certificate Number 2003-0761 on July 18, 2003. All conditions on the Water Availability Certificate must be met prior to receiving water service.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed subdivision is consistent with relevant SF 5000 zone land use policies and meets the minimum provisions of the Seattle Land Use Code. The proposal will meet all applicable criteria for approval of a short plat as discussed in this analysis and decision upon completion of the conditions of this decision. The public use and interests are served by permitting the proposed division of land.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

This criterion is not applicable to this short subdivision because it has been granted a steep slope limited exemption.

A Limited Exemption is granted for this project based on the submitted documents which noted that the existing 'steep slopes' along the east side of the property appeared to be less than 20 feet in height, are not part of a larger steep slope system, and which have been created through previous grading activities. Further, the submitted geotechnical report inferred that no adverse impact will result from this exemption. In this respect, the ECA Steep Slope Development Standards are waived (i.e., the threshold disturbance level of 30 percent of the Steep Slope Critical Areas no longer applies) for 'steep slopes' at the site. The ECA Submittal, General, and Landslide-Hazard, and other applicable development standards still apply for the project.

6. *Is designed to maximize the retention of existing trees;*

All trees six (6) inches or greater in diameter, measured four and one-half (4.5) feet above the ground are subject to regulation (SMC 25.11). There are nine trees on site that range between eight (8) inches and twelve (12) inches in diameter. None of these trees are considered "exceptional" as defined by Directors Rule 6-2001.

There are five (5) trees along 16th Ave SW, in the planting strip, that are Seattle Department of Transportation (SDOT) maintained street trees and shall be preserved and protected from construction damage. Driveway access must be sensitive to the preservation of these trees.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the*

construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

This criterion is not applicable to this short subdivision.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

ANALYSIS - SEPA

The proposal site is located in a landslide prone critical area, thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated May 28, 2003. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Design Construction and Land Use has analyzed the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are*

adequate to achieve sufficient mitigation” subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related impacts are expected: 1) temporary soil erosion; 2) increased vibration and noise from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

Earth

A portion of this site is located within the Steep Slope Environmentally Critical Area (ECA's) as mapped and designated by the City of Seattle. The ECA Ordinance and Directors Rule (DR) 3-93 requires submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted a Geotechnical Engineering Study prepared by Geotech Consultants, Inc. dated December 20, 2002. The level of evaluation provided in the geotechnical engineering report is adequate for review of this MUP. Additional information required showing conformance with the Environmentally Critical Areas Ordinance will be required prior to issuance of the building permits.

Long-term Impacts

Potential long-term impacts that may occur as a result of this project include increased surface water runoff from greater site coverage by impervious surfaces. Long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of single-family development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface) and the Regulations for Environmentally Critical Areas.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

The owner(s) and/or responsible party(ies) shall:

Upon Application for Building Permit

1. Prepare a geotechnical report in accordance with Director's Rule 3-93 and submit for review by DCLU at the time of building permit application.
2. All recommendations and conclusions of the geotechnical report submitted for building permit application shall be adhered to during construction on the site.
3. Include the following statement on the face of the plat:
"The five (5) trees along 16th Ave SW, in the planting strip, are Seattle Department of Transportation (SDOT) maintained street trees and shall be preserved and protected from construction damage. Driveway access must be sensitive to the preservation of these trees."

CONDITIONS – SHORT SUBDIVISION

The owner(s) and/or responsible party(ies) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.

3. Include the following statement on the face of the plat:

“A Limited Exemption is granted for this project based on the submitted documents which noted that the existing ‘steep slopes’ along the east side of the property appeared to be less than 20 feet in height, are not part of a larger steep slope system, and which have been created through previous grading activities. Further, the submitted geotechnical report inferred that no adverse impact will result from this exemption. In this respect, the ECA Steep Slope Development Standards are waived (i.e., the threshold disturbance level of 30 percent of the Steep Slope Critical Areas no longer applies) for ‘steep slopes’ at the site. The ECA Submittal, General, and Landslide-Hazard, and other applicable development standards still apply for the project.”

Signature: _____ (signature on file) Date: August 4, 2003

Robert Knable, Site Development Planner
Department of Design, Construction, and Land Use

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